



## FISCAL MEMORANDUM

### HB 1833 - SB 2012

March 1, 2022

**SUMMARY OF BILL AS AMENDED (014220):** Expands the offense of aggravated criminal littering to include knowingly placing, dropping, or throwing two or more tires on public or private property without permission.

### FISCAL IMPACT OF BILL AS AMENDED:

#### **Increase Local Expenditures – \$2,300/FY22-23 and Subsequent Years\***

Assumptions for the bill as amended:

- Tennessee Code Annotated § 39-14-505 establishes that a person commits aggravated criminal littering who litters:
  - In an amount exceeding 10 pounds in weight or 15 cubic feet in volume; or
  - In any amount for any commercial purpose.
- The proposed legislation expands the offense of aggravated criminal littering to include knowingly placing, dropping, or throwing two or more tires on public or private property without permission.
- Aggravated criminal littering expanded under the proposed legislation will be punished as follows:
  - Class A misdemeanor for two or more tires; and
  - Class E felony for the first conviction involving eight or more tires.
- Pursuant to Tenn. Code Ann. § 39-14-505(b)(1), aggravated criminal littering is a Class A misdemeanor subject to imprisonment as provided by law or a maximum fine of \$4,000 or both, if the amount of litter exceeds 100 lbs. in weight or 30 cubic feet in volume.
- Based on information provided by the Administrative Office of the Courts (AOC), there has been an average of 2.5 Class A misdemeanor convictions of aggravated criminal littering in each of the last 10 years.
- This analysis assumes that only 10 percent of misdemeanor convictions are at the state court level. As a result, it is estimated that there are 25 convictions (2.5 / 10.0%) per year for Class A misdemeanor aggravated criminal littering.
- It is assumed admissions will increase by 10 percent, or 2.5 additional admissions annually (25 x 10.0%).
- It is assumed that an individual convicted of a Class A misdemeanor offense will spend an average of 15 days in a local jail.

- Based on cost estimates provided by local government entities throughout the state and reported bed capacity within such facilities, the weighted average cost per day to house an inmate in a local jail facility is \$60.69.
- The recurring mandatory increase in expenditures to local governments is estimated to be \$2,276 (2.5 convictions x \$60.69 x 15) in FY22-23 and subsequent years.
- Pursuant to Tenn. Code Ann. § 39-14-505(b)(2), aggravated criminal littering is a Class E felony upon:
  - The third conviction in any amount exceeding 10 lbs. in weight or 15 cubic feet in volume; or
  - The second conviction in any amount exceeding 1,000 lbs. in weight or 200 cubic feet in volume or in any amount for any commercial purpose.
- Pursuant to Tenn. Code Ann. § 39-14-505(c), in addition to the other penalties established, an individual convicted of aggravated criminal littering is to required to remove liter from appropriate public locations for up to 160 hours.
- Based on information provided by the Administrative Office of the Courts (AOC), there has been an average of 0.2 Class E felony convictions of aggravated criminal littering in each of the last 10 years.
- Due to the low number of admissions and the community service requirement to remove litter from public locations, the proposed legislation will not significantly impact incarceration costs.
- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant. The proposed legislation will not significantly change state or local revenue.
- The estimated fiscal impact of the proposed legislation does not consider the availability of beds in state and local facilities, but is based solely on the current operating costs of state facilities and the reimbursement rates for local facilities as is required by Tenn. Code Ann. § 9-4-210.
- All calculations used in completion of this fiscal note are available upon request.

*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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